

**TOWN OF EAST WINDSOR
INLAND WETLANDS WATERCOURSE AGENCY**

Regular Meeting – July 6, 2011

*******Draft Document – Subject to Commission Review*******

CALL TO ORDER: Chairman Ceppetelli called the Meeting to order at 7:02 p.m. in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT.

ESTABLISHMENT OF QUORUM:

Present: Regular Members Michael Ceppetelli (Chairman), Michael Koczera, John Malin (arrived at 7:05 p.m.), Ronald Savaria, Michael Sawka, Robert Slate, and Alternate Members Alan Baker, and Kathryn Roloff.

Unable to Attend: Regular Member Richard Osborn.

Guests: Selectman Richard Pippin (Inland/Wetlands Liaison); Kathy Pippin, Board of Finance.

Chairman Ceppetelli noted the establishment of a quorum with 6 Regular and two Alternate Members as noted above. All Regular members will sit in on votes this evening. Should any of the Regular Members need to step down from service Alternate Members will serve in rotation as noted at each Agenda Item.

Also in attendance was Town Planner Whitten, who is sitting in for Wetlands Agent Robin Newton.

AGENDA ADDITIONS:

- **MOTION: To ACCEPT the Agenda Addition of Application #09-2011: NEWBERRY ROAD: Intersection of Newberry Road and Winkler Road**, Request for permit modification to allow construction of Phase 3 prior to completion of Phase 2, and request 5 year extension of existing Permit. This property is located at the intersection of Newberry Road and Winkler Road. Assessor's Map 104, Block 17, Lot 19 [Mourning Dove Trail] & Assessor's Map 104, Block 17, 19-06 [Red Fox Trail]. (65 day application period ends September 9, 2011.)

Savaria moved/Slate seconded/VOTE: In Favor: Unanimous

APPROVAL OF MINUTES/June 1, 2011:

MOTION: To ACCEPT the Minutes of Regular Meeting dated June 1, 2011 as written.

Savaria moved/Slate seconded/

VOTE: In Favor: Ceppetelli/Koczera/Savaria/Slate/Baker

Opposed: No one

Abstained: Malin/Sawka/Roloff

NEW PUBLIC HEARINGS: None.

NEW BUSINESS: #04-2011 – NEWBERRY ROAD ENTERPRISES, LLC:

Wetlands Restoration/Expansion of Volume Reduction Facility. This property is located at 68 Newberry Road, nearest intersection being Craftsman Road.

Assessor's Map 093, Block 19, Lot 006. (65 day application period ends June 10, 2011, [Application extended to July 6, 2011]):

Chairman Ceppetelli read the description of this Item of Business. He reviewed the attendance for the previous Meeting, and noted Commissioners Sawka and Malin had not been present during the previous testimony.

LET THE RECORD SHOW Commissioners Malin and Sawka stepped down from service on this Application. Chairman Ceppetelli noted Alternate Member Baker would sit in on this Application as he had been present during the previous Meeting. Five members will be voting on this Application.

Town Planner Whitten noted she is sitting in this evening for Wetlands Agent Newton, who is on vacation. Town Planner Whitten reported she has 10 years experience as a Wetlands Agent prior to her employment in East Windsor.

Appearing to discuss this Application was Guy Hesketh, of F. A. Hesketh & Associates, representing the Applicant, Newberry Road Enterprises, LLC; accompanying Mr. Hesketh was Steve Dearborn, owner of 68 Newberry Road.

Mr. Hesketh reported he believed all the outstanding items from the last meeting have been addressed, except for the reports from David Askew (North Central Conservation District) and George Logan, soil scientist for the Applicant, regarding the issue of hydrology relative to this Application. Mr. Hesketh reported he had received an e-mail from George Logan at 5 o'clock this evening, which he felt would close the gap on the discussion. Mr. Hesketh submitted copies of the e-mail (undated) from George T. Logan, MS, PWS, CE/REMA Ecological Services, LLC to Guy Hesketh, PE, Subject: RE: FW: 68 Newberry Road – Wetlands Agent Memo of 6/27. As the e-mail was being submitted at the Meeting for the first time everyone, including Mr. Dearborn, took a few minutes to read Mr. Logan's comments.

Town Planner Whitten referenced Wetlands Agent Newton's memo dated 6/27/2011, noting she and Wetlands Agent Newton had reviewed the outstanding items. The following items remained outstanding at the date of the memo:

- **Plans need to be signed by the project surveyor and soil scientist:** Town Planner Whitten noted the plans still lack the signature of the soil scientist. Mr. Hesketh reported Mr. Logan will sign the plans; he did sign the earlier plan. Town Planner Whitten suggested the signature requirement should be a condition of approval.
- **Soil scientist to provide information regarding the effect of collecting the runoff in the proposed swale that currently flows to the wetland remediation area:** Town Planner Whitten noted the report from Mr. Logan was to have been submitted in time for review for this Meeting; as the e-mail is being submitted this evening she suggested the report be discussed during the Meeting. Town Planner Whitten referenced page 2, WETLAND MITIGATION, Site Hydrology, of **David Askew's report dated 6/17/2011**. (Mr. Askew is Director of the North Central Conservation District, Inc., and a Professional Soil Scientist, SSSNE). Mr. Askew indicated that at the time of his report "he did not have sufficient information regarding timing, nature, or extent of alterations to the area, pre and post disturbance soil conditions, or other essential baseline (pre-impact) conditions to comment on these technical aspects of the proposed mitigation plan. He deferred to the project wetlands scientist and engineer to address those aspects of the project."

Commission Secretary Savaria READ FOR THE RECORD **Mr. Logan's e-mail** referenced above. In summarization, Mr. Logan indicated "they performed a double-ring infiltrometer test to prove that infiltration into the ground will continue to the north of the wetlands, even in the areas of the mulch operations. He concluded that he believed that sufficient hydrology to support the wetland hydrologic regimes will persist." He suggested ".....the swale and basin be constructed prior to the restoration of the wetland by at least a month."

Town Planner Whitten indicated there is no way to prove these opinions as there are NO pre-construction calculations; everyone is going on the best guess from two professionals that the hydrology is likely to be maintained.

Town Planner Whitten suggested Mr. Logan's recommendation to construct the swale and basin at least a month prior to restoration of the wetland be made a condition of approval.

Commissioner Baker questioned that Mr. Logan was not providing any support data beside this e-mail? Town Planner Whitten suggested this submission appears to be it. Mr. Hesketh suggested Mr. Logan has been involved in the generation of the plans before the Commission since day one; he had prepared the wetlands restoration plan. Everybody – the experts – have concurred on the information; this e-mail is just follow-up documentation. Commissioner Baker indicated he

appreciated that but usually the soil scientist gathers the data, which becomes part of the record; he is missing a lot here. With everything that has gone on with this site Commissioner Baker indicated he would like to see more than just an e-mail; he would like to see him say everything is going where they say it will go and that he/Mr. Logan agrees with David Askew. Mr. Dearborn irritably questioned what was the difference between this e-mail or Mr. Logan being here; Mr. Dearborn angrily suggested the only difference is it will cost him money for Mr. Logan to appear during the Application. Chairman Ceppetelli suggested there is no chance for the Commission to engage in rebuttal. Town Planner Whitten suggested the e-mail doesn't necessarily say they concur on the opinion, it just says they had a phone call and Mr. Logan explained what he thought.

Commissioner Baker noted previous Meeting Minutes stated test pits were done, but no information as to what was found was presented. Mr. Dearborn indicated he took Mr. Askew out there and he/Mr. Askew said the hydrology would work. Commissioner Baker suggested he appreciated that, but he/David Askew or George Logan didn't present that data. Mr. Dearborn angrily reported he didn't want to spend the money to have him/George Logan here; he suggested the Commission can take him/George Logan for his word on these letters.

Commissioner Savaria questioned if Mr. Dearborn had seen the suggested conditions? Mr. Dearborn indicated he didn't agree with the conditions; he wanted to discuss them one by one with the Commission. He reported you don't just put conditions on this Application just because he and the girls in the office have personal issues. He knows the Commission has standard conditions but he won't go for the condition regarding the bonds, or someone else doing the work. Mr. Dearborn strongly suggested he will discuss them with the Commission and he'll say why they are ok or not. Chairman Ceppetelli indicated the conditions would be discussed but the Board has the ability to make the decision as to which conditions will become part of the Application approval.

Regarding the bonds, Mr. Hesketh reported he has submitted a breakdown of the bonding on the 2 components of the project – 1) work in the upland area outside the wetlands, and 2) work in the regulated area in the wetlands. Mr. Hesketh also noted this project is under review via an Order from the EPA; Mr. Dearborn can't do any work in the wetlands until the EPA reviews the plans prior to their allowance of work to commence. Mr. Dearborn can get approval from this Commission but he doesn't have approval for the work required by the EPA. Mr. Hesketh reported again that he has broken out the bonds to reflect each segment of the work.

Mr. Dearborn reported he can't get a bond on something that isn't approved. Chairman Ceppetelli cautioned that Mr. Dearborn couldn't do work that has NOT been approved by the Commission. Mr. Dearborn argued that he could do the work out of the wetlands – the swale, the pond, and the work up in the yard - that can be done without EPA approval. He will get a bond for that and when he gets the ok from the other folks he can go to the insurance company. Mr. Dearborn reported he could be doing the swale and get

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the pond done before Winter sets in. The EPA isn't involved in anything north of where the cement blocks are; that isn't wetlands. That has nothing to do with where the swale comes down the boundary line. Commissioner Savaria suggested the Commission may grant an approval without approving the mitigation work; the bonds have been separated. He also noted Mr. Dearborn wouldn't be able to do the work if he hasn't acquired a bond. Mr. Dearborn reiterated he can't get a bond on something that hasn't been approved.

Mr. Hesketh referenced his plan, noting this blue line is the limits of the wetlands – “this” and “this” and “this” is wetlands. He noted Mr. Dearborn has an Order the he can't disturb anything within the blue line without EPA approval, but he has legal right to do work outside the wetlands area.

The Commission reviewed Wetlands Agent Newton's recommended **Condition #17 regarding submission of bonding**. Town Planner Whitten clarified that Wetlands Agent Newton is saying she wants the bonds in place to have assurances that the work will get done.

Mr. Dearborn angrily responded that the EPA takes over; they kicked out the ACOE (Army Corp of Engineers), and the Town is out of it. Mr. Hesketh reported Mr. Dearborn is under an Order from the Town to make applications by July, 2011 to this Board and the Planning and Zoning Commission (PZC). He has been delayed because they have been working with the EPA and ACOE for a long time; it's complicated because a neighbor has made complaints which brought these agencies in, and no one wants to take action. Mr. Hesketh noted Mr. Dearborn also needs to get local approval so they know what is being proposed is palatable for the local Commissions.

Chairman Ceppetelli questioned when Mr. Dearborn will know where he stands with the other agencies? Mr. Hesketh suggested he has submitted 17 pages of material to the EPA; no timeframe for resolution was offered.

Chairman Ceppetelli requested clarification that Mr. Dearborn is submitting two different applications? Town Planner Whitten suggested Mr. Dearborn has an application before the PZC as well as this Application before the Inland Wetlands Commission which is being reviewed tonight. This application is seeking work in two areas; that work is somewhat integrated because the water from above will affect the water below.

Commissioner Savaria suggested the Commission is looking for assurances that the work will be done. Mr. Dearborn indicated he was told the ACOE and the Town are out of the process. He wants to get a bond for the work outside the wetlands area so he can expand his yard; then when he gets the ok from the EPA he will come in with that bond. Commissioner Savaria questioned if the Commission could condition approval on approvals of other agencies? Town Planner Whitten suggested the Commission must either approve or deny the application. Commissioner Baker felt the Commission can't tell the future, or what other agencies will do; the Commission can only consider the application before them. Town Planner Whitten clarified that any land use board can't

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set a condition of approval on another agency's approval. The condition must be a condition based on this Commission's approval; she didn't feel this Commission could require a bond based on someone else's approval but this Commission can set a bond for work required under its permit.

Mr. Hesketh suggested that because of the complexity of the bonding issue and all the agencies involved it will be difficult for Mr. Dearborn to get a bond until he has EPA approval. If the EPA requires additional work they would have to come back to this Commission. Mr. Hesketh suggested they feel that in working with the EPA it will be more palatable to them if Mr. Dearborn has received his local approval.

Town Planner Whitten suggested the Commission could set a condition that the bond must be in place prior to the mitigation work being performed. The EPA will see that; they have taken over from the ACOE. Mr. Dearborn also needs approval from this Board to correct his violation issues.

Discussion continued on the options for bonding, and Mr. Dearborn's ability to acquire bonds. Town Planner Whitten requested the Commission be polled on their preference for separating the bonds: Commissioners Baker, Slate, Koczera, and Savaria were ok with separating the bonds. Chairman Ceppetelli agreed, but cited concern that the work would be completed. He referenced Mr. Dearborn's past history of lack of compliance which has resulted in the issuance of Violation Orders from the local Boards.

The Commission continued discussion on proposed **Condition #18 regarding a requirement for a pre-construction meeting including all parties involved with the project and Town staff**; Chairman Ceppetelli READ THE PROPOSED CONDITION FOR THE RECORD. Mr. Dearborn questioned where the meeting will be held? Chairman Ceppetelli and Town Planner Whitten suggested the meetings are held in the Town Hall Meeting Room. Mr. Dearborn responded ok, as long as it wasn't held at his place.

Commissioner Savaria questioned if Mr. Dearborn understood that someone/Staff needs to be able to go on the 68 Newberry Road property. Mr. Dearborn angrily responded it would be ok as long as it wasn't (Wetlands Agent) Newton. The Commission noted the need for Town Staff to be able to access the property with regard to both **Condition #18 (see above), and Condition #20 – that the property owner shall cooperate with Town Staff and allow Town Staff on site with reasonable notice (48 hours) to allow inspections for compliance during construction activities.** Mr. Dearborn questioned if the Town Staff could be Town Engineer Norton? The Commission clarified that Robin Newton is the Wetlands Agent. Town Planner Whitten clarified that this is a permit issue, which gives Town Staff the right to go on the Applicant's property at any time. Mr. Dearborn shouted that Town Planner Whitten was a liar; he owns the property. Town Planner Whitten suggested perhaps Mr. Dearborn could pay for a professional to make the site visits. Mr. Dearborn responded it could be Mr. Hesketh. Town Planner Whitten suggested it must be someone beyond the Applicant's professionals. Mr.

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Dearborn then suggested Mr. Askew of the North Central Conservation District. Town Planner Whitten responded that she and Wetlands Agent Newton have tried to work with the Applicant; Mr. Dearborn again called Town Planner Whitten a liar. Chairman Ceppetelli suggested Mr. Dearborn be more civil; Mr. Dearborn challenged Chairman Ceppetelli as well.

Discussion continued regarding amending **Condition #20** to allow Mr. Dearborn to pay for an objective professional to make site inspections. Commissioner Baker felt any applicant should deal with the Town Staff granting the permit; they are the people working for the Commission and the Town. Chairman Ceppetelli polled the Commissioners for their preference regarding including Condition #20 as written: Commissioners Baker, Slate, Savaria, and Chairman Ceppetelli agreed to Condition #20 as written. Commissioner Koczera suggested the Commission should grant approval based on all conditions as recommended; if the Applicant doesn't want to live with it as proposed then it would be his problem. Chairman Ceppetelli clarified that it was the consensus of the Commission to add the recommended conditions to the proposed approval motion. Mr. Dearborn surily indicated he was being blackmailed; he would rather pay for other staff. Town Planner Whitten suggested the proposed conditions aren't unreasonable; Commissioner Baker concurred. Mr. Dearborn angrily reported he would have his people there when these people come out, and they must sign as to what is agreed to. Mr. Dearborn threatened that the first time they don't sign his documents they will be off his property. Condition #20 stands as recommended.

The Commission continued discussion on **Condition #21 – work must be completed by a third party contractor**. This condition has been recommended based on the Applicant's past history of non-compliance with plan specifications. Chairman Ceppetelli polled the Commissioners regarding this proposed condition. Commissioner Baker was ok with the condition as proposed using the third party contractor. Commissioner Slate felt this condition was a tough decision. Commissioner Koczera felt if Mr. Dearborn would be required to put up the bond and didn't do the work then an outside contractor would have to be brought in; he questioned that the Commission could use the bond to cover the cost of an outside contractor? Town Planner Whitten clarified that the bond is put in place so if the work is not completed, or not completed correctly, then the Commission could call the bond and use those funds to pay the outside contractor. Commissioner Koczera then felt Mr. Dearborn shouldn't be required to use an outside contractor if he has equipment himself. Commissioner Savaria concurred that Mr. Dearborn has the equipment, but he isn't sure Mr. Dearborn has the will to complete this work. He suggested the Applicant can hire anyone he wants to do the work; he could hire a relative. Commissioner Savaria noted the Commission will have the oversight of the Town Staff and the other agencies, maybe the Applicant is at the point where he wants to get this done. If Mr. Dearborn doesn't complete the work it will start the whole Violation process over again, starting with a Cease & Desist Order and possibly continuing through the court system again. Commissioner Slate then suggested he agreed with the comments made by Commissioner Koczera; the bond should be sufficient. Condition #21 as proposed will be deleted, and all subsequent conditions renumbered.

Town Planner Whitten suggested if the bonds are going to be posted then the bond release should be based on a requirement for submission of a certified As-Built Plan. Mr. Hesketh concurred. Release of bond requirements will be added to Condition #17.

Chairman Ceppetelli continued on with the review of **Condition #22 – the requirement for the Planning and Zoning Commission approval**. Town Planner Whitten concurred; the Applicant can't do anything without the PZC approval. Chairman Ceppetelli polled the Commissioners for their preference regarding this condition. Commissioners Baker felt the requirement appeared to be standard language; Commissioners Slate, Savaria, and Koczera were ok with the condition as proposed. Mr. Dearborn indicated he was ok with Condition #22 as well.

Chairman Ceppetelli referenced **Condition #23 – the final approved plans, with any conditions added tonight, must be filed on the Land Records**. Town Planner Whitten noted this is a standard practice.

The Commission reviewed the condition revisions:

- **Condition #17** – to be revised regarding timing of submission of bond; requirement for submission of certified As-Built Plans to be submitted to acquire release of bond.
- **Condition #18** – pre-construction meeting to be held; no restrictions on which members of Town Staff have permission to access property.
- **Condition #19** – added as proposed.
- **Condition #20** – no restrictions on which members of Town Staff have permission to access property.
- **Condition #21** – deleted as proposed.
- **NEW Condition #21** – requirement that soil scientist sign plans is added.
- **Condition #22** – added as proposed.
- **Condition #23** – added as proposed.
- **NEW Condition #24** – construction of swale and basin to be completed one month prior to beginning of restoration of the wetlands.

Town Planner Whitten requested a break to revise conditions of approval.

MOTION: To TAKE A FIVE MINUTE BREAK.

Slate moved/Savaria seconded/VOTE: In Favor: Unanimous

The Commission RECESSED at 8:00 p.m. and RECONVENED at 8:20 p.m.

MOTION: To RECONVENE the Meeting at 8:20 p.m.

Slate moved/Savaria seconded/VOTE: In Favor: Unanimous

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Chairman Ceppetelli queried the Commissioners once again for additional comments or suggestions; no one requested to speak.

NOTE: The motion as approved includes only New Condition #21; Condition #21 as recommended under Wetlands Agent Newton's 6/27/2011 Meeting has been removed.

MOTION TO APPROVE Application #04-2011 – NEWBERRY ROAD ENTERPRISES, LLC: Wetlands Restoration/Expansion of Volume Reduction Facility. This property is located at 68 Newberry Road, nearest intersection being Craftsman Road. Assessor's Map 093, Block 19, Lot 006.

This approval is granted subject to conformance with the referenced plans (as may be modified by the Conditions) and the following conditions:

Standard Conditions #1 through #16

ADDITIONAL CONDITIONS:

- 17. A performance bond will be required for all work associated with this permit in accordance with Section 13 of the East Windsor Inland Wetland Watercourses Regulations. Such bond shall be in the form of a cash bond or passbook. For the purpose of the permit, two separate bonds shall be maintained. One bond shall be for the work associated with the drainage swale and water quality basin. The second bond shall be for the wetland remediation work. NO WORK MAY COMMENCE UNTIL SUCH TIME AS THE APPROPRIATE BOND IS IN PLACE WITH THE TOWN. RELEASE OF BONDS SHALL REQUIRE A CERTIFIED AS BUILT PREPARED BY A PROFESSIONAL ENGINEER.**
- 18. A pre-construction meeting shall take place with all parties to be involved with this project, including but not limited to, any third party contractors, wetlands scientist, project engineers, surveyors, Town officials including the Wetland Agent and Town Engineer and the property owner. At this time a time line for construction activities shall be established, contact information for responsible parties for any issues or concerns will be established, and inspection dates shall be established.**
- 19. Bi-weekly reports shall be submitted from the wetlands scientist and project engineer concerning construction activity updates with the wetlands remediation area and the construction of the swale and water quality basin.**
- 20. The property owner shall cooperate with Town Staff and allow Town Staff on site with reasonable notice (48 hours) to allow inspections for**

compliance during construction activities. This will also include access by outside individuals such as the North Central Conservation District with Town staff specifically for the wetland remediation work. The NCCD will assist the Town in documenting work progress including critical issues such as final grade depth in the field to ensure wetland hydrology is maintained.

21. The project soil scientist shall sign all final plans.
22. No work may commence on this application until such time as the application receives a Planning and Zoning Special Use permits as required by C.G.S. Section 22a-42a(d)(1) which states that any permits which require a zoning, subdivision, special permit, special exception or variance, the applicant must first obtain said permits before starting any work approved as part of the wetland permit.
23. Final approved plans with any updates due to conditions the Commission sets shall be reviewed by Town Staff for completeness and then a copy of the plans shall be filed along with the approval in the Town Clerk's Office on the land records.
24. The swale and basin shall be constructed prior to the restoration of the wetland by at least one month. Should a drop in water table be documented, in comparison, to recently documented levels through test pits, adjustments could be made in the field to achieve targeted hydrology. Any adjustments must be approved by Town Staff.

NOTE: This approval granted does not relieve the applicant from his responsibility to apply for any other permits required by local, state or federal agencies.

Savaria moved/Koczera seconded/

VOTE: In Favor: Ceppetelli/Koczera/Savaria/Slate/Baker

Opposed: No one

Abstained: Malin/Sawka

NEW BUSINESS: 08-2011 - GERRY WILCOX: 50 Newberry Road: Request for permit for regulated activities – to include construction of a concrete block wall and the construction of a detention basin for the expansion of equipment storage and trailer parking by filling of approximately 2,150 square feet of wetlands and creating 2,150 square feet of wetlands. This property is located on Newberry Road; nearest intersection is Thompson Road. Assessor's Map 092, Block 19, Lot 004. (65 day application period ends August 5, 2011).

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Chairman Ceppetelli noted receipt of Wetlands Agent Newton's memo dated 6/27/2011 which indicated Mr. Wilcox had requested this Application be continued until the Commission's August Meeting. The Applicant is out of the state at this time.

MOTION: To CONTINUE until the Commission's next regularly scheduled Meeting on August 3, 2011 Application #08-2011 - GERRY WILCOX: 50 Newberry Road: Request for permit for regulated activities – to include construction of a concrete block wall and the construction of a detention basin for the expansion of equipment storage and trailer parking by filling of approximately 2,150 square feet of wetlands and creating 2,150 square feet of wetlands. This property is located on Newberry Road; nearest intersection is Thompson Road. Assessor's Map 092, Block 19, Lot 004.

Koczera moved/Slate seconded/

DISCUSSION: Commissioner Savaria requested that the Commission discuss if there was a need to hold a Public Hearing on this Application.

(No vote was taken on this motion).

At Chairman Ceppetelli's request Town Planner Whitten READ FOR THE RECORD that an Inland Wetlands Commission CAN NOT hold a Public Hearing unless any of the following occur:

- **Submission of a petition:** Chairman Ceppetelli noted the Commission has received a letter regarding this Application; he questioned if the letter (dated 7/6/2011) constituted a petition? Mr. Koczera suggested if one person has a lot of land next to the application that could be reason for a Public Hearing. Town Planner Whitten noted the petition must contain the signatures of 25 people 18 years of age or older and cannot be filed later than 14 days after receipt of the application under consideration for the Public Hearing. This Application was received at the Commission's June 1st Meeting; any petition must have been submitted within 14 days of that Meeting.
- **A proposed activity has a significant impact on wetlands or watercourses:** Commissioner Savaria cited Mr. Dearborn's letter mentions several concerns. Chairman Ceppetelli suggested those concerns could be conveyed to Town Staff. Commissioner Koczera noted Mr. Dearborn and Mr. Wilcox are side by side; if one of the people is farming and the other person next to him is doing something that concerns him it doesn't matter to other people. Town Planner Whitten suggested she believed the previous Application was similar; she questioned if the Commission held a Public Hearing on that Application? (The previous Application was NOT a Public Hearing). Commissioner Baker felt the amount of work – at 2100 square feet – was pretty small. He also noted his recent attendance at a Connecticut Bar Association seminar which discussed the reasons for holding Public Hearings; he suggested the reasons are very specific. Town

Planner Whitten suggested that if the Commission felt the proposed activities represented a significant impact on wetlands offsite then you would need to hold a Public Hearing. Commissioner Savaria acknowledged Mr. Dearborn's concerns but felt they could be address via this letter. Town Planner Whitten clarified that without a Public Hearing Mr. Dearborn, or any resident, can submit their concerns to Staff but there is NO back and forth discussion during the Meeting.

- **A Public Hearing would be in the public's interest:** Chairman Ceppetelli noted Mr. Dearborn could have submitted a petition with 25 signatures if there were other people who had an interest in the proposed activities. NO petition has been received.

MOTION: To HOLD A PUBLIC HEARING on Application 08-2011 - GERRY WILCOX: 50 Newberry Road; Request for permit for regulated activities – to include construction of a concrete block wall and the construction of a detention basin for the expansion of equipment storage and trailer parking by filling of approximately 2,150 square feet of wetlands and creating 2,150 square feet of wetlands. This property is located on Newberry Road; nearest intersection is Thompson Road. Assessor's Map 092, Block 19, Lot 004.

DISCUSSION: Chairman Ceppetelli didn't feel there was a need for a Public Hearing, no petition has been submitted, and the Commission has seen applications with bigger impacts than is proposed under this Application. The Commission concurred.

Savaria moved/Koczera seconded:

VOTE: In Favor: Slate/Koczera

Opposed: Ceppetelli/Malin/Savaria/Sawka

Abstained: No one

NEW APPLICATIONS TO BE RECEIVED: 09-2011: NEWBERRY VILLAGE: Intersection of Newberry Road and Winkler Road, Request for permit modification to allow construction of Phase 3 prior to completion of Phase 2, and request 5 year extension of existing Permit. This property is located at the intersection of Newberry Road and Winkler Road. Assessor's Map 104, Block 17, Lot 19 [Mourning Dove Trail] & Assessor's Map 104, Block 17, 19-06 [Red Fox Trail]. (65 day application period ends September 9, 2011.)

Chairman Ceppetelli read the description of this new Item of Business.

Town Planner Whitten noted Wetlands Agent Newton had not had an opportunity to review this letter (dated 6/27/2011) from J. R. Russo & Associates, LLC prior to leaving on vacation. Town Planner Whitten READ THE REFERENCED LETTER INTO THE RECORD, noting the Applicant is seeking to amend Wetlands Permit #1358, specifically Condition #14, to revise construction phasing sequence, and to seek a 5 year Permit

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extension. Review of the plans by the Commission found the phases identified on the plans don't appear to match the phases referenced in the letter.

The Commission revised clarification of phasing under discussion. Town Planner Whitten suggested the Applicant could submit a plan which overlays the approved phasing with the phasing revisions requested. Commissioner Baker also requested the Commissioner's packets for the August Meeting include a copy of Wetlands Permit #1358 and the plans identified by Town Planner Whitten.

MOTION: **To acknowledge receipt of Application #09-2011: NEWBERRY VILLAGE: Intersection of Newberry Road and Winkler Road, Request for permit modification to allow construction of Phase 3 prior to completion of Phase 2, and request 5 year extension of existing Permit. This property is located at the intersection of Newberry Road and Winkler Road. Assessor's Map 104, Block 17, Lot 19 [Mourning Dove Trail] & Assessor's Map 104, Block 17, 19-06 [Red Fox Trail].**

Savaria moved/Slate seconded/

VOTE: **In Favor: Ceppetelle/Koczera/Malin/Savaria/Sawka**

Opposed: No one

Abstained: No one

MISCELLANEOUS: Nothing presented.

AGENT DECISIONS: None.

CONFERENCES/SEMINARS/TRAINING: No funding available.

CORRESPONDENCE:

Chairman Ceppetelli acknowledged receipt of letter dated 7/6/2011 from Steve Dearborn/Newberry Road Enterprises, LLC – letter relates to Application **#08-2011 - GERRY WILCOX: 50 Newberry Road** (postponed to August 2011 Meeting).

GENERAL BOARD DISCUSSION:

Commissioner Koczera reported it was disturbing this evening with Mr. Dearborn's hostile and argumentative manner; he didn't know if he should leave the room himself. Commissioner Koczera indicated he was uncomfortable during the application presentation; he is a volunteer. Commissioner Baker noted Commissioner Koczera made a good point; Commissioner Baker suggested he was thinking of Mr. Dearborn's actions during the previous Meeting when he intimated another gentleman participating in discussion. Commissioner Savaria noted both Mr. Dearborn and Mr. Wilcox will be present during the next meeting; he questioned if it was possible to have a police presence at the next Meeting? The Commission concurred; Town Planner Whitten will

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request attendance by a police officer for the August Meeting.

PUBLIC PARTICIPATION (Discussion on non-Agenda items only):

Kathy Pippin: suggested she felt this Commission was outstanding; it's embarrassing to hear Mr. Dearborn talk to Town Planner Whitten as he did; he owes her an apology. Mrs. Pippin suggested she didn't know how Chairman Ceppetelli and the rest of the Commission could handle such a situation. Chairman Ceppetelli indicated it's a difficult situation; to confront Mr. Dearborn makes him worse. Mr. Dearborn doesn't understand these are the people who are deciding his future.

Selectman Richard Pippin: suggested the Commission might want to consider in their procedures to immediately close the Meeting; the Commissioners don't need to take those insults. Chairman Ceppetelli cited the need for the Commission to act within application timeframes. Commissioner Roloff suggested it appears Mr. Dearborn is unable to control himself. Town Planner Whitten concurred, noting the review of an application shouldn't get to this point. No one should have to fear for their safety. Mr. Dearborn is rude and disrespectful at every meeting he attends. Commissioner Baker felt Chairman Ceppetelli does a good job to keep it from getting too far. Mr. Dearborn baits Chairman Ceppetelli; he should be offered to calm down or we should close the application.

ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 8:58 p.m.

Sawka moved/Slate seconded/VOTE: In Favor: Unanimous

Respectfully submitted:

Peg Hoffman, Recording Secretary, Inland Wetlands and Watercourse Commission
(5610)